



# CITY OF BLACK DIAMOND

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## State Environmental Policy Act (SEPA) Threshold Determination Mitigated Determination of Non-Significance (MDNS)

**Date of issuance:** October 4, 2023

**Lead agency:** City of Black Diamond Community Development

**Agency Contact:** Mona Davis, [mdavis@blackdiamondwa.gov](mailto:mdavis@blackdiamondwa.gov), 360-851-4528

**Agency File Number(s):** PLN23-0019 Preliminary Plat / PLN23-0020 SEPA Review

**Project Name:** Ten Trails MPD Phase 2 Plat F Preliminary Plat

**Description of proposal:** Applicant requests Preliminary Plat approval to subdivide four parcels comprising of approximately 44.27 acres into 123 lots, which would provide a mix of 77 detached single-family lots, four attached single-family lots, and 42 multi-family lots. Approximately 28.93 acres of open space will be provided in tracts within the proposed subdivision, which will consist of a neighborhood park, pocket park, open space, trails, natural landscape, and sensitive area uses. No wetland impacts will occur; however, the project proposes wetland buffer averaging to mitigate for wetland buffer impacts.

**Location of proposal:** The project site is in the City of Black Diamond, consisting of four King County Tax Parcels 222106-9035, 222106-9041, 222106-9052, and 222106-9053; NE ¼ of Section 22, Township 21 N, Range 6E WM.

**Applicant(s):** CCD Black Diamond Partners LLC / Oakpointe  
3025 – 112<sup>th</sup> Ave NE, Suite 100, Bellevue, WA 98004

The City of Black Diamond (Lead Agency) has determined that this proposal will not have a probable significant adverse impact on the environment. Pursuant to WAC 197-11-350(3) and WAC 197-11-355(4), the proposal has been clarified, changed, and conditioned to include necessary mitigation measures to avoid, minimize or compensate for probable significant impacts. An Environmental Impact Statement (EIS) is not required under RCW 43.21C.030(2)(c).

This determination is based on the comments received during the Notice of Application comment period (5-17-23 to 6-1-23) and the following findings, conclusions, mitigation measures, and permit conditions are required to adequately address potential impacts from this project proposal. All relevant materials related to this file are available to the public by request to the city contact listed above.

**Mitigation Measures:** The following mitigation measures are hereby incorporated into this Mitigated Determination of Non-Significance (MDNS). These conditions are in addition to the mitigation required from development regulations and other conditions resulting from other government approvals.

1. Prior to the commencement of any site disturbance activities, an approved National Pollutant Discharge Elimination System (NPDES) General Stormwater Construction Permit issued by the Washington State Department of Ecology covering the proposed scope of work shall be submitted to the City's Master Development Review Team (MDRT). BMPs outlined in the Geotechnical Engineering Report, prepared by Associated Earth Sciences revised September 7, 2023, shall be implemented throughout construction to mitigate potential adverse impacts from erosion hazards.
2. Prior to the commencement of any site disturbing activities, a Spill Prevention Control and Countermeasures Plan (SPCCP) shall be submitted to, and approved by, the City's MDRT.
3. Prior to any site disturbance activities during the City's Winter Work period (October 1 through March 31), a Winterization Plan pursuant to Black Diamond Engineering Design and Construction Standards Section 2.2.05 shall be submitted to, and approved by, the City's MDRT prior to commencing construction.
4. Wetland monitoring protocols and methodology established in Section 1.4.1 of the Sensitive Area Study & Buffer Averaging Plan (prepared by Wetland Resources, Inc. and dated September 7, 2023) shall be submitted to, and approved by, the City's MDRT prior to commencing construction. Mitigation plantings shall meet the monitoring provisions of BDMC 19.10.260.
5. Trail alignments within sensitive area buffers shall be flagged and demarcated by the applicant for City review prior to any trail section vegetation disturbance to verify the route of least disturbance to forested areas and native vegetation. The applicant shall submit protocols for trail alignment demarcation, City verification, and construction to minimize vegetation disturbance that is consistent with the provisions of BDMC 19.10.220(B)(3). No vegetation clearing is to occur beyond the approved clearing limits.

**Signature:** Mona Davis **Date:** 10-4-2023  
Community Development Director/SEPA Responsible Official

**Public Comment Period:** This MDNS is issued under WAC 197-11-350. The Lead Agency will not act on this proposal for 14 days from the date of this decision. Written comments must be submitted no later than 5:00 pm on October 18, 2023 to the City of Black Diamond Community Development Department, 24301 Roberts Drive, Black Diamond, WA 98010.

**SEPA Appeal Period:** There is a 14-day appeal period regarding this agency decision. You may appeal this determination no later than 5:00 pm on October 18, 2023 by completing the proper appeal form and paying the City's appeal fee. You should be prepared to make specific factual objections in your appeal. Contact the Community Development Department at (360) 851-4447 to ask about the procedures for SEPA appeals.